

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

THE BANK OF NEW YORK MELLON  
F/K/A THE BANK OF NEW YORK AS  
TRUSTEE FOR FIRST HORIZON  
ALTERNATIVE MORTGAGE  
SECURITIES TRUST 2006-FA6

Plaintiff

v.

JUDY A. GIROUX

Defendant

1:19-cv-00512-JDL

VACANT PROPERTY

**JUDGMENT OF FORECLOSURE AND SALE**

Address: 100-102 Ohio St, Bangor, ME 04401  
Mortgage: July 19, 2006, Book: 10542, Page:13  
(Property is Vacant)

This matter came before the Court pursuant to pursuant to the Default entered on January 7, 2020 [ECF 7], against the Defendant, Judy A. Giroux, Fed.R.Civ. P 55(b ), this Court's Procedural Orders dated April 13, 2020 (ECF 9 & 10),and the General Orders in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine* (March 2020). Plaintiff, The Bank of New York Mellon f/k/a The Bank of New York as Trustee for First Horizon Alternative Mortgage Securities Trust 2006-FA6 ("BONY") was represented by John A. Doonan, Esq. Defendant, Judy A. Giroux, did not appear or oppose Plaintiff's Motion for Default Judgment of Foreclosure and Sale.

All persons interested having been duly notified in accordance with the law, and after submission upon documentary evidence, the Plaintiff's Motion for Default Judgment is GRANTED.

Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I - Foreclosure and Sale is hereby **ENTERED** as follows:

1. If the Defendant or her heirs or assigns pay The Bank of New York Mellon f/k/a The Bank of New York as Trustee for First Horizon Alternative Mortgage Securities Trust 2006-FA6 ("BONY") the amount adjudged due and owing (\$233,791.99) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, BONY shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the amount due and owing as of July 16, 2020:

<b>Description</b>	<b>Amount</b>
Unpaid Principal Balance	\$173,257.48
Interest	\$32,965.77
Escrow Advances	\$14,449.99
Corporate Advances	\$13,118.75
<b>Grand Total</b>	<b>\$233,791.99</b>

2. The pre-judgment interest rate is 7.25000%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. §1602-C.
3. If the Defendant or her heirs or assigns do not pay BONY the amount adjudged due and owing (\$233,791.99) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, his/her remaining rights to possession of the Bangor Property shall terminate, BONY shall conduct a public sale of the Bangor Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$233,791.99 after deducting the expenses of the sale, with any surplus to the Defendant or the heirs or assigns, in accordance with 14 M.R.S.A. § 6324. BONY may not seek a deficiency judgment against the Defendant pursuant to the Plaintiff's

waiver of deficiency at trial.

4. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk, upon request, shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
5. The amount due and owing is \$233,791.99.
6. The Bank of New York Mellon f/k/a The Bank of New York as Trustee for First Horizon Alternative Mortgage Securities Trust 2006-FA6 has first priority, in the amount of \$233,791.99, pursuant to the subject Note and Mortgage and there are no parties in interest other than the Defendant who has second priority.
7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	PARTIES	COUNSEL
PLAINTIFF	The Bank of New York Mellon f/k/a The Bank of New York as Trustee for First Horizon Alternative Mortgage Securities Trust 2006-FA6 8950 Cypress Waters Blvd Coppell, TX 75019	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	Judy A. Giroux 305 Center Drive Orrington, ME 04474	Defaulted

- a) The docket number of this case is No. 1:19-cv-00512-JDL.
- b) The Defendant, the only party to this proceeding besides BONY, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 100-102 Ohio St, Bangor, ME 04401, is set

forth in Exhibit A to the Judgment herein.

- d) The street address of the real estate involved is 100-102 Ohio St, Bangor, ME 04401.

The Mortgage was executed by the Defendant on July 19, 2006. The book and page number of the Mortgage in the Penobscot County Registry of Deeds is Book 10542, Page 13.

- e) This judgment shall not create any personal liability on the part of the Defendant but shall act solely as an *in rem* judgment against the property, 100-102 Ohio St, Bangor, ME 04401.

**SO ORDERED.**

Dated: August 11, 2020

/s/ Jon D. Levy  
**CHIEF U.S. DISTRICT JUDGE**